

Misbranding was alleged for the reason that the quotations worded and designed on the stenciled label on the end of each of said barrels as hereinbefore set forth conveyed the impression that said vinegar or product was sugar vinegar of 85 [8.5 (?)] per cent strength when, in truth and in fact, said vinegar was wholly or in part a distilled acetic acid vinegar reduced in quality and character by the addition of distilled vinegar or dilute acetic acid which had been substituted wholly or in part for sugar vinegar, and said quotation, wording, and design on said labels were calculated to mislead the purchaser, and were, therefore, false and misleading.

On October 16, 1913, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 20, 1914.

3316. Adulteration of ice cream. U. S. v. Wm. Mitchell (Graham Ice Cream Co.). Plea of guilty. Fine, \$50. (F. & D. Nos. 5091, 5092. I. S. Nos. 36242-e, 36248-e.)

On July 10, 1913, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wm. Mitchell, trading as the Graham Ice Cream Co., Graham, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on August 25 and 27, 1912, from the State of Virginia into the State of West Virginia of a quantity of ice cream which was adulterated. The product in the shipment of August 25 was labeled: (On shipping tag) "Graham Ice Cream Co., Graham, Va. For M. H. Bleshm Address Bluestone, West Va. Train No. 9. 5 gallons Straw. Tub No. 694 8-25-12 No. 2307." (On tub) "Graham Ice Cream Co., Graham, Va. 694." The product in the shipment of August 27 was labeled: (On tag) "Graham Ice Cream Co., Graham, Va. For M. H. Bleshm Address Bluestone Jct. W. Va. Train 9. 3 gallons Tub No. 614 Date 8-27 No. 2566." (On tub) "Graham Ice Cream Co., Graham, Va."

Analysis of a sample of the product in the first shipment by the Bureau of Chemistry of this department, showed the following results:

Fat (per cent).....	6.03
Total solids (per cent).....	26.11
Gelatin: Strong test.	

Bacteriological examination showed 224,000,000 organisms per cc, plain agar, after 3 days at 25° C.; 146,000,000 organisms per cc litmus lactose agar, after 3 days at 25° C.; 1,000,000 *B. coli* group per cc; 1,000,000 streptococci. Bacteriological examination of a sample from the second shipment, by said Bureau of Chemistry, showed the following results: 200,000,000 organisms per cc, plain agar at 25° C.; 250,000,000 organisms per cc, litmus lactose agar at 25° C.; 10,000,000 *B. coli* group per cc; 10,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

On August 15, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 20, 1914.